

**BEFORE THE ARIZONA BOARD OF
OSTEOPATHIC EXAMINERS IN MEDICINE AND SURGERY**

IN THE MATTER OF:)

SUSAN SMITH, D.O.)

Holder of License No. 3494 for the)
practice of osteopathic medicine in the)
State of Arizona.)
_____)

**FINDINGS OF FACT, CONCLUSIONS
OF LAW AND ORDER FOR
REVOCATION**

The above-captioned matter came before the Arizona Board of Osteopathic Examiners in Medicine and Surgery (hereafter "Board") for consideration on October 14, 2000. Said proceedings were a result of a Complaint and Notice of Hearing issued by the Board's Executive Director on September 11, 2000 pursuant to A.R.S. § 32-1855. Susan Smith, D.O. (hereafter "Respondent") was duly notified of the administrative formal complaint proceeding. Respondent was not represented by an attorney, did not file an Answer to the Complaint, nor appear before the Board on October 14, 2000 or provided testimony and evidence. Following presentation of evidence and information to the Board, and the Board having considered all the evidence and information in the matter thus presented, and being fully advised, enters the following Findings of Fact, Conclusions of Law and Order of Revocation.

FINDINGS OF FACT

1. Respondent is licensed by the Board as an osteopathic physician; and, pursuant to A.R.S. § 32-1803, et seq. (as amended), the Board has the statutory authority to conduct an administrative hearing to determine whether the Respondent is unable to safely engage in the practice of medicine and, or whether action should be taken due to the unprofessional conduct by Respondent.

2. Respondent is the holder of License No. 2606 for the practice of osteopathic medicine in the State of Arizona.

3. During the Board's public meeting on June 10, 2000 following the Board's review of information and evidence, regarding Respondent's probationary status and compliance, the Board found that Respondent had violated the terms and conditions of her Stipulated and Consent Order effective October 16, 1999 and voted to hold formal proceedings pursuant to A.R.S. § 32-1855(C).

4. Respondent is a licensee of the Board and the holder of License No. 2606 for the practice of osteopathic medicine in the State of Arizona.

5. The following Information was brought to the attention of the Board that Respondent may be medically and/or psychologically unable to safely and skillfully engage in the practice of medicine and/or may have committed one or more acts of unprofessional conduct as defined in A.R.S. § 32-1854. It was testified that as of June 10, 2000 and subsequently, that Respondent was in noncompliance with her current probationary order, to wit:

- A. Respondent had not filed any required monthly therapy reports since November, 1999;
- B. Respondent missed a required urine drug screen on April 11, 2000, May 18, 2000 and July 29, 2000.
- C. Respondent tested positive on February 4, 2000 (not listed on monthly medication log), March 21, 2000 (not listed on lab sheet), April 12, 2000, April 26, 2000, June 30, 2000 (not listed on lab sheet), July 11, 2000 and August 15, 2000 for Meprobamate (Soma);
- D. As of June 10, 2000, Respondent had not reimbursed the Board a required \$350 for laboratory fees; Respondent had also failed to reimburse the Board an additional \$1,126.36 for testing and monitoring of her current and previous Probationary Orders;
- E. Respondent failed to provide medication logs as required in March, 2000 and April, 2000 until June 6, 2000; Respondent has failed to provide logs of attendance at AA meetings and medication logs for August and September, 2000; Respondent submitted required medication logs and AA attendance logs for November, 1999 on January 31, 2000. All logs are due on the first of the month.

6. Respondent's prior noncompliance violations were administratively noticed and copies marked as State's Exhibit No. 1 as follows:
 - a. Summary Suspension dated December 6, 1994, with prior Stipulated Consents Orders dated February 13, 1992, October 23, 1992 and December 31, 1992.
 - b. Stipulated Consent Order dated May, 1995.
 - c. Stipulated Consent Order dated April 28, 1997.
 - d. Amended Consent Order dated December 1, 1997, along with transcripts of the November 1, 1997 Board meeting.
 - e. Stipulated Consent Order with the issuance of a Restricted license dated October 16, 1999, along with Respondent's Re-Application dated May 17, 1999 and transcripts of the October 16, 1999 Board meeting.

CONCLUSIONS OF LAW

The aforementioned conduct alleged against Respondent constitutes unprofessional conduct as defined at A.R.S. § 32-1855:

- (20) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of or conspiring to violate any of the provisions of this chapter.
- (26) Violating a formal order, probation or a stipulation issued by the board under this chapter.
- (37) Violating a federal law, a state law or a rule applicable to the practice of medicine.
- (40) Any conduct or practice that endangers a patient's or the public health or may reasonably be expected to do so.
- (41) Any conduct or practice that impairs the licensee's ability to safely and skillfully practice medicine or that may reasonably be expected to do so.

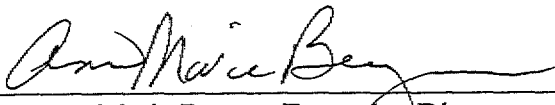
ORDER

Pursuant to the authority vested in the Board by A.R.S. § 32-1855(J), **IT IS ORDERED**
THAT:

1. The license to practice as an osteopathic physician in the State of Arizona that was issued to Susan Smith, D.O. ("Respondent") is hereby **REVOKED**; and, pursuant to A.R.S. § 32-1822(F), a person who has had his license revoked may apply for a license two (2) years after revocation.

ISSUED this 16th day of October, 2000.

ARIZONA BOARD OF OSTEOPATHIC EXAMINERS
IN MEDICINE AND SURGERY

By: 
Ann Marie Berger, Executive Director

Notice of Request For Rehearing:

You have the right to request a rehearing or review of this matter pursuant to A.R.S. § 41-1092.90. The request for rehearing or review must be filed with the Arizona Board of Osteopathic Examiners in Medicine and Surgery within thirty (30) days. Specify in detail and with particularity at least one of the seven grounds that apply to your request for rehearing or review, as mandated by A.A.C. R4-22-106(C). A request for rehearing or review shall be a pre-requisite prior to seeking judicial review pursuant to A.R.S. § 41-1092.09.

Served by personal service or
Certified Mail this 16 day
of October, 2000 to:

Susan Smith, D.O.
219 S. Mountain Ave.
Springerville AZ 85938

Copy mailed this 16 day
of October, 2000 to:

Blair Driggs
Assistant Attorney General
Office of the Attorney General
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Phoenix AZ 85007

Tom Dennis
Assistant Attorney General
1275 W. Washington
Phoenix AZ 85007

Arizona Board of Pharmacy
5060 N. 19th Ave., Suite 101
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Drug Enforcement Agency
Attn: Diversion Sec.
3010 N. 2nd St.
Phoenix AZ 85012